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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,665	07/19/2001	Shigeki Yamakawa	401303	6965
23548	7590	04/07/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			CHIN, PAUL T	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,665

Applicant(s)

YAMAKAWA, SHIGEKI

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-12 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment and the arguments have been carefully considered with respect to claims 1-6 but they are moot in view of the new ground(s) of rejection. Therefore, a non-final office action follows as below.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Aulanko et al. (EP 631,966) (see IDS, Paper No. 5).

Aulanko et al. (EP 631,966) discloses an elevator system comprising a hoist way including a hoist way and a bottom portion (Fig. 1), the hoist way including a face and a protrusion projecting from the face into the hoist way, the protrusion being at least one member selected from the group consisting of a landing door mechanism (17) and a bracket (22) and structural beam (16), which are a building structure; a vertically moving

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member having a door (18); and a control panel (8) wherein an area of the control panel overlaps an area produced by projection of the protrusion (see Fig. 1).

Re claim 4, Aulanko et al. elevator system (EP 631,966) shows that the control panel is located in the hoist way above a highest position reached by the elevator car (see Fig. 1).

Re claim 6, Aulanko et al. elevator system (EP 631,966) clearly shows a plurality of openings (see Fig. 1).

5. Claims 1,2,4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Namba et al. (6,230,846) (see Paper No. 7).

Namba et al. (6,230,846) discloses an elevator system comprising a hoist way including a hoist way and a bottom portion (Figs. 1-11), the hoist way including a face and a protrusion projecting from the face into the hoist way, the protrusion *being at least one member selected from the group consisting of* a landing door mechanism, and mounting arms (8,8), landing plates (9,9), proximity (10) (Fig. 5), which are a part of building structures; a vertically moving member (2); and a control panel (12) wherein an area of the control panel overlaps an area produced by projection of the protrusion (see Fig. 5).

Re claim 4, Namba et al. (6,230,846) shows that the control panel (12) is located in the hoist way above a highest position reached by the elevator car (see Fig. 1).

6. Claims 1,2, and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by the Japanese Patent (JP 11-060117) (see IDS Paper No. 5).

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The Japanese Patent (JP 11-060117) discloses an elevator system comprising a hoist way including a hoist way and a bottom portion (Figs. 3 and 5), the hoist way including a face and a protrusion projecting from the face into the hoist way, the protrusion *being at least one member selected from the group consisting of* a landing door mechanism, and control panel holding member (13), which is part of a building structure; a vertically moving member (1); and a control panel (16) wherein an area of the control panel overlaps an area produced by projection of the protrusion (see Fig. 4).

Re claim 4, the Japanese Patent (JP 11-060117) shows that the control panel (16) is located in the hoist way above a highest position reached by the elevator car.

Re claim 6, the Japanese Patent (JP 11-060117) shows a plurality of openings (see Figs. 3, 5, and 7).

Allowable Subject Matter

7. Claims 7-12 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PAUL T. CHIN
Examiner
Art Unit 3652



PAUL T. CHIN
PATENT EXAMINER